

From: Clemson, Rachael
Sent: 22 February 2021 14:17
To: Salter, Tim <TIM.SALTER@planninginspectorate.gov.uk>
Subject: NE response to APP/X1735/W/20/3259067

Dear Tim

Your ref: APP/X1735/W/20/3259067 Appeal - HRA - APP/19/00427 Development of 50 new dwellings together with access, landscaping and open space (Revised scheme). Land at Lower Road, Havant

Thank you for consulting us on the above appeal, please find our comments below:

1. Does Natural England consider that the proposed development would impact upon the integrity of the Sites and their qualifying features?

The application has the potential to impact on the Solent European designated sites through increased recreational pressure, loss of supporting habitat, construction impacts and deterioration of the water environment from increased waste water. Havant Borough Council consulted us on their appropriate assessment dated 26th February 2020. The appropriate assessment concluded that Havant Borough Council was able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

2. Is Natural England content that the proposed Solent Recreation Mitigation Strategy measures and the Brent Goose and Wader Strategy measures are sufficient to avoid an adverse impact to the integrity of the Sites and their relevant features? If you are not content then please specify your reasons and provide details of any additional measures you consider are necessary.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Please see our comments regarding the Solent Wader and Brent Goose Strategy site under question 3.

3. The proposed Solent Recreation Mitigation Strategy measures and the Brent Goose and Wader Strategy measures would be contributed to by the appeal development by way of a Legal Agreement (dated 27 January 2021). Can Natural England confirm if it is content that this adequately secures the deliverability of the mitigation measures.

Loss of supporting habitat

The loss of a Secondary Support Area will be offset by a contribution to enhance, manage and monitor the wider Solent Wader and Brent Goose ecological network and secured by legal agreement. Natural England is satisfied with this approach which is in line with agreed offsetting and mitigation guidance. We understand that Havant Borough Council has a number of options that are being progressed to address the loss of Low Use and Secondary Support Areas in the Borough, which are coming forward in the planning system. We recommend that the confirmed offsetting option is secured with any planning permission. Provided the strategic schemes are in place in time to offset the loss of the Secondary site, Natural England raises no further comments.

Construction impacts

It is noted that a Construction Environment Management Plan is referenced in the AA. Natural England is satisfied that a noise restriction and an appropriate Construction Environmental Management Plan, which is agreed with Natural England before implementation, would resolve the adverse impacts.

A suggested condition is as follows:

“Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive).”

If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

We advise that the key measures that relate to the qualifying features of the internationally designated sites are detailed in the AA and will need to be secured with any planning permission.

We advise that you may want to seek your own legal advice on the implications of the Sweetman II ruling and the level of detail that should be included within an Appropriate Assessment.

4. Any other relevant comments that you wish to make.

With regard to the deterioration of the water environment, the applicant has produced a nitrogen neutrality calculation which we have reviewed. It is noted that achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures. Provided the necessary measures can be fully secured; Natural England raises no further concerns.

Please contact me if you have any queries relating to this advice

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

Tel: 02080 261472

Please note my non-working day is Friday

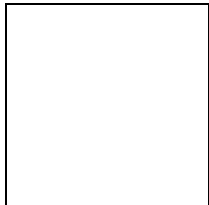


Please send planning consultations to Natural England by email to:
consultations@naturalengland.org.uk.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

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